



BIA Training & Development Program

Training Sessions

Training Date	Course Topic
---------------	--------------

3/17/2018	Short Training Sessions
-----------	-------------------------

Although future legal trainings will be managed by the newly launched Office of Policy's Legal Education and Research Services Division, we have a few more short videos on various topics that we worked on in 2017 that the Chairman and I would like everyone to view. Review of these videos is **mandatory** for all Board attorney advisors and judicial law clerks and serves as an elective training for all paralegals. Please review all videos by **Friday, February 23, 2018**.

Once you have completed the training, please submit your completion certificates for each training. To avoid interruption in the playing of these videos, we recommend that you watch them in the office.

3/10/2018	Asylum Issues Spotlight: Pattern or Practice and Disfavored Group Analyses
-----------	--

This presentation will focus on issues in asylum and withholding of removal claims based upon a premise that there is a pattern or practice of persecution in the home country or that the alien is a member of a "disfavored group." The presentation will set forth the definition of a pattern or practice of persecution and discuss the analytical framework for such claims as set forth in Board and federal circuit court case law. In addition, this session will address the concept of "disfavored group," including what is a "disfavored group," how such groups are evaluated in the asylum and withholding context, which federal courts recognize the "disfavored group" concept, and how the "disfavored group" concept differs from a pattern or practice analysis or the protected ground of membership in a particular social group.

11/8/2017	Developments in International Religious Freedom
-----------	---

This session will examine the International Religious Freedom Act and the role and function of the United States Commission on International Religious Freedom (USCIRF). It will also discuss recent developments in international religious freedom, as such developments impact religious-based persecution claims. The session will further examine countries in which claims of religious persecution often arise, as well as legal issues relevant to the adjudication of religious-based applications for asylum and other forms of protection under the Immigration and Nationality Act. Specifically, the session will focus on claims emerging from evangelical and other Christian minorities in Iraq, Egypt, Indonesia, and China, among other countries. Additionally, it will address the impact of expedited removal on asylum-seekers who are fleeing persecution on the basis of their religion.

Part 1 - Developments in International Religious Freedom
--

Part 2 - Developments in International Religious Freedom
--

Part 3 - Developments in International Religious Freedom
--

10/19/2017	Advanced Issues in Asylum, Withholding, & CAT II
------------	--

This session will provide a more in depth discussion of specific refugee topics touched on in Part I of this training, with the goal of further fleshing out some of the nuanced and in-depth issues pertaining to asylum, withholding of removal, and protection under the Convention Against Torture ("CAT"). In particular, it will provide a more in depth discussion of: (1) standard of review issues arising in asylum, withholding of removal, and CAT; and (3) recent Board and Circuit Court precedent affecting all three types of claims.

Specifically, the session will discuss both straight forward and nuanced standard of review issues. It will also provide a detailed overview of the firm resettlement, particularly serious crime, and terrorist bars. The session will explore exceptions to the firm resettlement bar, who has the burden of proof for establishing that the bar applies, and the 4-step analysis in *Matter of A-G-G-*. The session will further discuss the application of the particularly serious crime bar, including where the applicant has committed a crime that is not per se particularly serious. Finally, the presentation will explore the 3 tiers of terrorist organizations, the knowledge exemption to the terrorist bar, and what constitutes material support.

Recent Board cases discussed will include *Matter of R-K-K-* (dealing with inter-proceedings similarities), *Matter of J-R-R-A-* (dealing with competency and credibility), *Matter of D-M-C-P-* (dealing with abandoned applications). Recent federal circuit court cases will include *Gaye v. Lynch* (6th Cir.), *Reyes v. Lynch* (9th Cir.), *Bringas-Rodriguez v. Sessions* (4th Cir.), *Cruz v. Sessions* (4th Cir.), *Bringas-Rodriguez v. Sessions* (9th Cir.), *Barajas-Romero v. Lynch* (9th Cir.), and *Iregas-Valdez v. Yates* (5th Cir.).

Video - Part 1, Advanced Issues in Asylum, Withholding, & CAT II
--

Video - Part 2, Advanced Issues in Asylum, Withholding, & CAT II
--

9/20/2017	Professionalism & You: Understanding Your Professional, Ethical, and Legal Obligations as a Department and EOIR Attorney
-----------	--

Professional Responsibility - This presentation will discuss professional responsibility issues for Department and EOIR attorneys. Topics of discussion will include: determining choice of law and rules to apply; determining who is the client (ABA Model Rule 1.13(a)); a lawyer's duties of competence and diligence (ABA Model Rule 1.1 and 1.3); identifying and addressing conflicts of interest (ABA Model Rule 1.7, 1.8, 1.9, 1.10, 1.11, 1.12); ex parte communications (ABA Model Rule 3.5); and issues arising in a Department lawyer's personal use of social media (ABA Model Rule 1.6, 1.7, 3.6, 4.1, 4.2, 4.3, 8.2, 8.4(c), 8.4(d)).

Video - Part 1, Professional Responsibility

Video - Part 2, Professional Responsibility

No Fear Act and the EEO Process - This presentation will explore the Notification and Federal Employees Antidiscrimination and Retaliation Act of 2002 (No FEAR Act) and the EEO process. Specifically, the presentation will provide an in depth review of anti-discrimination, whistleblower, and retaliation laws, as well as prohibited personnel practices. Both hypothetical and real-life examples will be utilized to provide a better understanding of discrimination and harassment, including sexual harassment, issues in the workplace. The presentation will provide an overview of both the Department's policy and the EEOC Guidelines on Sexual Harassment, including providing an overview of the EEO Complaint Process.

Video - No Fear Act & the EEO Process

Government Ethics - This presentation will seek to enhance EOPR attorney's understanding of the Standards of Ethical Conduct for Employees of the Executive Branch, as set forth at 5 C.F.R. § 2635, as well as the Supplemental Standards of Ethical Conduct Governing Employees of the Department of Justice under 5 C.F.R. § 3601. The training will also touch on relevant criminal provisions under title 18 of the United States Code. The training will explore various government ethics issues that arise inside and outside the workplace, including emerging ethics, issues related to the use of social media, restrictions on outside employment, financial and personal conflicts of interest, misuse of official title and position, and restrictions on fundraising and political activities. The training will utilize real-life scenarios to enhance attendee understanding of how the standards of ethical conduct can be implicated and how to avoid common ethics pitfalls.

Video - Government Ethics

7/13/2017

Immigration Law & the Digital Age: Evidentiary Challenges for Appellate Adjudication

With the popularization of the World Wide Web, research can be conducted with hyper ease, resources have become super-available, and courts are often left examining evidence taken from uniform resource locators ("URLs"). Yet the requirement that immigration hearings conform to the Fifth Amendment's rigorous Due Process requirements has not diminished. This presentation will first address some of the complexities for authenticating, editing, and taking administrative notice of evidence. Next, the presentation will address the different types of electronic evidence, and identify factors and a framework for admitting this type of evidence in the immigration law context. The presentation will then move to provide an overview and discussion of the Due Process concerns ultimately at stake.

Video - Part 1

Video - Part 2

6/14/2017

Advanced Issues in Asylum, Withholding, and CAT

This presentation will provide an overview of specific topics relating to refugee and asylum law. The goal of the presentation is to expand on and discuss some of the nuanced and in-depth issues that arise in reviewing asylum, withholding of removal, and protection under the Convention Against Torture ("CAT") claims at the appellate level. Specifically, the presentation will focus on the various standard of review issues that arise in asylum, withholding of removal, and CAT claims. It will further explore the complexities involved in assessing whether a government is unwilling or unable to protect an applicant upon return to his or her home country. The presentation will additionally examine the various issues that arise in determining whether an applicant has established a nexus to a protected ground under the refugee definition, with particular attention paid to the issue of whether a claimed fear of persecution is on account of membership in a particular social group. The presentation will also include an extended discussion of advanced issues relating to protection under CAT and the bars that apply to asylum, withholding, and CAT claims. Finally, the presenters will highlight recent Board of Immigration Appeals and federal circuit cases pertinent to assessing asylum, withholding of removal, and CAT claims. This session was presented by Vice Chairman Chuck Adams-Blanch and Attorney Advisor Karen Hope.

Video - Part 1

Video - Part 2

Video - Part 3

5/17/2017

Vulnerable Populations: Unaccompanied Children

This session will examine the initial steps that unaccompanied minors follow when they arrive in the United States, including the Department of Health and Human Service Office of Refugee Resettlement's process for housing and releasing minors, the process required to obtain a Special Immigrant Juvenile visa from the Department of Homeland Security, and the process of applying for asylum, withholding of removal, and protection under the Convention Against Torture. Speakers will include representatives from the Department of Health and Human Service's Office of Refugee Resettlement, the Department of Homeland Security's Asylum Division, and a non-profit organization that represents minors. This session was moderated by Attorney Advisor Margaret O'Herron and presented by ORR Director for Children's Programs Commander Jonathan White, KIND Co-Director Laurie Carafone, USCIS Asylum Officer Kimberly Sicard, and USCIS Branch Chief Peter Rosenstock.

Video - Part 1

Video - Part 2

4/20/2017

Cancellation of Removal and Voluntary Departure: Issues in Appellate Adjudication

This presentation will provide an overview of cancellation of removal under section 240A of the Immigration and Nationality Act and voluntary departure under section 240B of the Act. It will address the cancellation of removal framework for both lawful and non-lawful permanent residents and include a survey of burgeoning issues in the cancellation of removal area. The training will examine, among other topics, the effect of certain breaks in continuous physical presence and termination of presence. It will also discuss factors relevant to assessing good moral character and provide an overview of special rule cancellation of removal. The training will additionally cover adjudications issues relating to pre and post-conclusion voluntary departure. It will further discuss the advisals and adverse consequences associated with voluntary departure. This session was presented by Board Member Ellen Liebowitz, Attorney Advisors Joan Geller and Rosaly Kozbelt.

Video - Part 1

Video - Part 2

Video - Part 3

3/23/2017

Refugee Law and Process: International Legal Framework and the Role of UNHCR

The Office of the United Nations High Commissioner for Refugees (UNHCR) was created in 1950, during the aftermath of the Second World War, to help millions of Europeans who had fled or lost their homes. Over 66 years later, UNHCR continues to work to protect and assist refugees around the world. This presentation will address the international legal framework under which refugee status is determined and the alternative solutions to refugee status—voluntary repatriation, resettlement and integration. The presentation will include a survey of the largest refugee populations, top host countries and emergent refugee situations. The presentation will then expound on services available to refugees once settled in host countries, explore solutions UNHCR has employed in response to refugee crises and examine current UNHCR identification procedures for refugees. The presentation will conclude with an overview of UNHCR interaction with United States agencies and review of the procedure, methodology and focus of UNHCR reports. The presentation will also discuss the use of those reports in asylum determinations. This session was moderated by Attorney Advisor Christine Puffer and presented by UNHCR U.S. Protection Officer/Attorney Alice Farmer.

Video - Part 1

Video - Part 2

2/22/2017 Westlaw: Maximizing Research Efficiency

This training focuses on maximizing Westlaw research efficiency. Specifically, the training emphasizes the "BIA Research Page," with detailed guidance on, and attention to, researching state and federal statutes—including historical versions of these statutes—legislative history, jury instructions, state and federal decisions, and setting up personalized Westclip alerts. The training will conclude with a question and answer session for individualized queries. This session was presented by Westlaw Federal Client Representative Candace W. Harris.

12/18/2016

Immigration Law Series: Appellate Adjudication Part IV – Criminal Law Developments

This presentation will examine the issues that arise when analyzing the immigration consequences of a criminal conviction. The presentation will explore recent developments with respect to the categorical, modified categorical, and circumstance-specific approaches. The training will focus on the concepts of "realistic probability" and "divisibility." The presentation will utilize both hypothetical and real-life examples to demonstrate the application of these concepts. This session was moderated by Board Member Roger Pauley and presented by Attorney Advisors Disha Lunsford, Jennifer Page-Lozano, and John Crossett.

12/18/2016

Immigration Law Series: Appellate Adjudication Part IV – Waiver, Abandonment, and Exhaustion

This presentation will address the concepts of waiver, abandonment, and exhaustion in removal proceedings. The presentation will discuss the legal authority defining these doctrines and how the doctrines can appropriately be applied by adjudicators. The presentation will discuss the different circumstances in which respondents effectively abandon their claims to relief, and in which parties waive their rights to appeal certain issues, and effectively or ineffectively exhaust an issue or claim for purposes of Board and (where applicable) judicial review. The presentation will also provide a Board Member's perspective on how these concepts often work in practice, and provide time for questions from the audience. This session was moderated by Board Member Linda Wendland and presented by Attorney Advisors Hillary Scholten and Heidi K. Hansen.

11/16/2016

Immigration Law Series: Appellate Adjudication Part III – Acquiescence and Torture under the Convention Against Torture

This presentation will provide attendees with a brief history of the Convention Against Torture ("CAT"), as well as a framework for adjudicating torture claims in immigration proceedings. It will explore emerging trends in the Federal circuit courts' jurisprudence, including what constitutes torture and what qualifies as acquiescence by a public official or person acting in an official capacity. Finally, the presentation will offer attendees practical guidance in resolving frequently recurring issues that arise in adjudicating such CAT claims. This session was moderated by Vice Chairman Chuck Adkins-Blanchi and presented by Attorney Advisors Joseph Hassel and Terese Ibarra and Judicial Law Clerk Robyn Brown.

11/16/2016

Immigration Law Series: Appellate Adjudication Part III – International Religious Freedom: Current Issues and Topics (Religious Minorities in Bangladesh, Iran, and Syria)

This session will examine the International Religious Freedom Act and the statutorily-created United States Commission on International Religious Freedom. It will also discuss recent developments in international religious freedom, as such developments impact religion-based persecution claims. The session will further examine countries in which claims of religious persecution often arise, as well as legal issues relevant to the adjudication of religious-based applications for asylum and other forms of protection under the Immigration and Nationality Act. Specific countries discussed will include Iran, Bangladesh, and Syria. This session was moderated by Attorney Team Leader David Sadaat and presented by U.S. Commission on International Religious Freedom Co-Director for Policy and Research Elizabeth Cassidy, Co-Director for Policy and Research Dwight Bashir, and Policy Analyst Jomana Qaddour.

10/27/2016

Immigration Law Series: Appellate Adjudication Part II – No Fear Act: Understanding the EEO Process

This presentation will provide attendees with an overview of the Notification and Federal Employees Antidiscrimination and Retaliation Act of 2002 (No FEAR Act). Attendees will have an understanding of the purpose and provisions of the No FEAR Act, and the rights and protections under anti-discrimination, whistleblower, and retaliation laws. Additionally, this presentation will give an overview of DOJ's Policy and the EEOC Guidelines on Sexual Harassment to include strategies for identifying and taking the appropriate actions for sexual harassment. This session was presented by BOP Senior Deputy Assistant Director & EEO Officer Mina Raskin.

10/27/2016

Immigration Law Series: Appellate Adjudication Part II – Professional Responsibility: Issues For Immigration Appeals Adjudicators

Topics of discussion will include: determining choice of law and rules to apply; duties owed to the "client" (ABA Model Rule of Professional Conduct 1.13; 28 U.S.C. §§ 516, 519; 5 U.S.C. § 3106; 6 U.S.C. Op. O.L.C. 47 (1982); D.C. Rule of Professional Conduct 1.6(k)); maintaining state bar licensure (8 C.F.R. 1003.10(a), 73 F.R. 53673-01, 28 U.S.C. § 530(c)(1); ABA Model Rule of Professional Conduct 5.5(a)); ex parte communications (ABA Model Rule of Professional Conduct 3.5, 8.4(f); Code of Conduct for U.S. Judges Canon 3(A)(4) (4)); issues arising through the use of social media (ABA Model Rule of Professional Conduct 1.1, 1.3, 1.6, 1.8(D); Code of Conduct for U.S. Judges Canon 2(B), 3(A)(4), 4); conflicts of interest (ABA Model Rule of Professional Conduct 1.11, 1.7, 1.8, 1.9; Code of Conduct for U.S. Judges Canon 3(C)(1)); and internet research (ABA Model Rule of Professional Conduct 1.1, 4.4(a), 8.4(d); Code of Conduct for U.S. Judges Canon 3(a)(4)). In addition to discussing relevant model rules, codes of conduct, and statutes, the discussion of these topics will also include relevant case law and ethics opinions. This session was presented by PGAO Attorney Advisor James A. Morgulec.

9/21/2016

Immigration Law Series: Appellate Adjudication Part I – Who Are You? Identity Issues in Immigration

This presentation will examine issues regarding an alien's identity in immigration proceedings which arise in credibility determinations, designation of a country of removal, and asylum eligibility. The training will explore the distinction between alienage and identity. In addition, the session will cover identity issues which arise in detained settings, such as custody determinations and habeas petitions. An overview of how the Department of Homeland Security verifies identities in immigration proceedings will also be addressed. This session was moderated by Board Member Garry Halphus and presented by Federal Court Remand Coordinator/Attorney Advisor Kathleen Pepper, Attorney Advisor Joseph Hassel, and OGC Associate General Counsel for Ethics Chris Cox.

9/21/2016

Immigration Law Series: Appellate Adjudication Part I – Government Ethics for Immigration Appeals Adjudicators

This presentation will explore the Standards of Ethical Conduct for employees of the Executive Branch and the Supplemental Standards of Ethical Conduct for Employees of the Department of Justice, as set forth in Title 5 of the Code of Federal Regulations. The session will cover such issues as restrictions on the receipt of gifts, misuse of official title and position, membership in professional organizations, and restrictions on outside employment and other activities. The session will utilize both hypothetical and real-life examples to demonstrate the application of the Standards of Conduct. This session was presented by OGC Associate General Counsel for Ethics Chris Cox.

7/27/2016

Fraud and Abuse Prevention

The purpose of this presentation is to discuss issues of fraud, scams, and unauthorized practice of law that impact adjudications before the Executive Office for Immigration Review (EOIR). The presentation will provide an overview of EOIR's Fraud and Abuse Prevention Program (Fraud Program), including its regulatory underpinning. In addition, the training will provide an overview of common fraud, scam, and unauthorized practice of law violations, including the statutory and regulatory grounds used to prosecute such violations or discipline practitioners under the Rules of Professional Conduct. The training will also focus on the role of the Fraud and Abuse Prevention Program within the agency, and will discuss the referral process for referring cases to the Fraud Program. The session was moderated by Senior Legal Advisor Amanda Adams and presented by Associate General Counsel Brea Burgie.

4/21/2016

Analyzing Adjustment of Status Claims

This presentation will provide a framework for determining whether an alien in removal proceedings can establish statutory eligibility for adjustment of status under sections 245(a) and (i) of the Immigration and Nationality Act, 8 U.S.C. §§ 1255(a), (i), and that a favorable exercise of discretion is warranted. The statutory requirements for adjustment under sections 245(a) and 245(i) will be identified and examined. The presentation will include a discussion of the additional requirements that must be satisfied when an alien, who is inadmissible due to a criminal conviction, files a 212(b) waiver application in conjunction with an adjustment application. The presentation will also address the relevant factors to consider in determining whether removal proceedings should be continued or reopened to afford an alien the opportunity to apply for adjustment of status. This session was moderated by Board Member Anne Greer and presented by Attorney Advisor Teesa Donovan.

2/18/2016

Attorney Discipline

The purpose of this presentation is to discuss attorney discipline in the context of attorneys practicing before Immigration Judges and the Board of Immigration Appeals. The presentation will provide an overview of the attorney discipline regulations, focusing on the regulatory grounds for discipline, including competence, diligence, communication, and conduct prejudicial to the administration of justice, among others. The training will also address the role of agency disciplinary counsel and the interplay between the immigration appellate process and attorney discipline. This session was moderated by Senior Legal Advisor Veronica Rubi and presented by Associate General Counsel Jennifer Barnes.

8/12/2015

2015 EOIR Legal Training Program - The Rocky Road to Reform: The Changing Landscape of Immigration Law

In recent history, all three branches of government have tied their hand at making significant changes to immigration. There have been Congressional efforts on comprehensive immigration reform. The United States Supreme Court and circuit courts have issued landmark decisions. The White House and executive agencies have issued directives that alter the immigration landscape. This session will provide a substantive overview of recent efforts at reform by each branch and provide insights into specific efforts at reform that impact the immigration courts and Board of Immigration Appeals directly. This session will also provide greater context for the role of the Board in immigration jurisprudence and future formulation of the immigration laws. This session was moderated by BIA Chairman David Noel and presented by EOIR Director Juan Osuna.

8/12/2015

2015 EOIR Legal Training Program - Government Standards of Conduct for Board Members & Attorney Advisors

The government ethics portion of the training will explore the Standards of Ethical Conduct for employees of the Executive Branch and the Supplemental Standards of Ethical Conduct for Employees of the Department of Justice, as set forth in Title 5 of the Code of Federal Regulations. The session will cover such issues as restrictions on the receipt of gifts, misuse of official title and position, membership in professional organizations, and restrictions on outside employment and other activities. The session will utilize both hypothetical and real-life examples to demonstrate the application of the Standards of Conduct. This session was moderated by Senior Legal Advisor Amanda Adams and presented by OGC Associate General Counsel Brigitte Frantz.

8/12/2015

2015 EOIR Legal Training Program - Interpreting & Implementing the Decision in Franco v. Holder

This session will provide important information for immigration adjudicators on the legal implications of the rulings in the *Franco-Gonzalez v. Holder* case out of the Central District of California. The session will explore the impact and scope of the court's rulings. The session will provide information particularly relevant to California, Washington, and Arizona adjudicators. This session was moderated by OGC Senior Counsel for Immigration Helaine Perlman and presented by OGC Associate General Counsel Christina Baptista, Associate General Counsel Brianna Evans, and Legal Analyst Gregory Pleasant.

8/12/2015

2015 EOIR Legal Training Program - Advanced Legal Research: Lexis Advance

In this session, attendees will be introduced to tools for conducting advanced legal research using Lexis Advance, Lexis' new research platform. The presenter will provide an overview of various resources that can be used by immigration adjudicators to locate federal court opinions and orders, administrative decisions, statutory materials, secondary sources, and immigration-specific resources. Attendees will learn how to locate immigration-specific documents and databases and will receive instruction on how to research the status of cases currently pending before the federal courts. This session was moderated by Senior Legal Advisor Amanda Adams and presented by LexisNexis Representative Joshua Harvey.

8/12/2015

2015 EOIR Legal Training Program - Federal Anti-Discrimination Laws: EEO, Sexual Harassment, and NO FEAR ACT

This presentation will provide attendees with an overview of the Notification and Federal Employees Antidiscrimination and Retaliation Act of 2002 (No FEAR Act). Attendees will have an understanding of the purpose and provisions of the No FEAR Act, and the rights and protections under anti-discrimination, whistleblower, and retaliation laws. Additionally, this presentation will give an overview of DOJ's Policy and the EEOC Guidelines on Sexual Harassment to include strategies for identifying and how to take the appropriate actions for sexual harassment. This session was moderated by Attorney Advisor Yoonji Kim and presented by Consumer Product Safety Commission Director of EEO and Minority Enterprise Kathleen Buttrely.

8/12/2015

2015 EOIR Legal Training Program - Professionalism for EOIR Adjudicators: Principles of Civility, Integrity, and Professionalism

Conduct, professionalism, and temperament of adjudicators may impact due process and the fundamental fairness of proceedings as well as public faith and trust in the justice system. This session is specifically designed to address issues of professional responsibility for immigration adjudicators including Immigration Judges, Members of the Board of Immigration Appeals, OCAHO Administrative Law Judges, and all EOIR Attorney Advisors. The session will look at conduct both "on" and "off the bench." The session will explore common rules of judicial responsibility and conduct such as those pertaining to inappropriate public or private comments, creating a hostile work environment, interference with representation of a party, competence, failure to follow the law, providing false information or falsifying records, diligence, impartiality, ex parte communications, inappropriate use of government/travel resources, criminal conduct, and actions prejudicial to the administration of justice. This session will also address facts that mitigate and aggravate the disciplinary penalties imposed. Presenters will analyze and apply codes of judicial conduct and judicial discipline case law to common fact patterns that have resulted in disciplinary actions against adjudicators. Presenters will highlight judicial professional responsibility

issues that arise from use of electronic means of communication such as e-mailing, blogging, texting and social networking. This session was moderated by Assistant Chief Immigration Judge MaryBeth Keller and presented by Legal Advisor Matthew Ferguson, Director of the Center for Judicial Ethics Cynthia Gray, and Immigration Judge Denise Noonan Slavin.

8/12/2015

2015 EOIR Legal Training Program - Mental Competency in Immigration Court Proceedings: Identifying & Analyzing Competency Issues

This session will explore the challenges that arise for the asylum seeker and alien in assessing competency. It will further explain the role of the mental health examiner in immigration proceedings, the process for making a referral to a mental health examiner, and the reliability and weight to be accorded to the mental health examiner's report. The session will also highlight key provisions of the United States District Court's order in *Franco Gonzalez v. Holder*. Session participants will learn how to resolve common challenges that arise in cases involving an alien with a mental disorder. Participants will also learn to draft clear, concise and well-reasoned decisions addressing issues of competence. This session was moderated by Acting Chief Immigration Judge Jack Weil and presented by Associate Professor Dr. Randy Otto.

8/12/2015

2015 EOIR Legal Training Program - Home & Away: Consular Waivers & Processing

This session is designed to provide attendees with an understanding of the consular adjudications and inadmissibility waivers process. The panel will discuss the legal standards and procedures employed by the State Department in consular adjudications and by the United States Citizenship & Immigration Services in adjudicating immigrant visa waivers. The panel will also explain the legal issues surrounding the new pre-departure waiver procedures that went into effect on March 4, 2013. Finally, the panel will highlight practice issues and remaining legal issues that arise at consular adjudications and inadmissibility waivers. This session was moderated by Attorney Advisor Teresa Penon and presented by Special Assistant, Service Center Operations Directorate Sophie Cox, Attorney Adviser Chibe Dybdahl, and President-Elect William Stock.

8/12/2015

2015 EOIR Legal Training Program - Conducting Efficient Custody & Bond Proceedings

This session will explore the conduct of bond proceedings under section 236 of the Immigration and Nationality Act. The session will discuss the procedures for bond redeterminations before Immigration Judges and the Board of Immigration Appeals, as well as substantive law issues relating to discretionary bond determinations and mandatory detention. Specific topics will include: the initial custody determination by the Department of Homeland Security; the institution of bond proceedings by DHS; the creation of the record in bond proceedings; the legal standards governing the Immigration Judge's bond determination, including exclusions to the immigration judge's bond jurisdiction; the conduct of Joseph hearings to determine whether an alien is properly included in the mandatory detention provisions of section 236(c); the creation of the bond memorandum; and the regulatory timeframes governing the different stages of bond proceedings, including automatic stay cases. This session was moderated by Immigration Judge Irene Feldman and presented by Immigration Judge Dorothy Harbeck.

8/12/2015

2015 EOIR Legal Training Program - Mental Competency in Immigration Court Proceedings: Handling Competence Issues

This session will explore the safeguards that may be imposed once an alien is deemed incompetent. It will further explain the role of the mental health examiner in immigration proceedings; the process for making a referral to a mental health examiner; and the reliability and weight to be accorded to the mental health examiner's report. The session will also highlight key provisions of the United States District Court's order in *Franco Gonzalez v. Holder*. Session participants will learn how to resolve common challenges that arise in cases involving an alien with a mental disorder. Participants will also learn to draft clear, concise and well-reasoned decisions addressing issues of competence. This session was presented by Immigration Judge Robert McSeveney, Associate Professor Dr. Randy Otto, Contract Legal Analyst Gregory Pleasant, and Assistant Chief Immigration Judge Jack Weil.

8/11/2015

2015 EOIR Legal Training Program - Unaccompanied Children: The Journey, Custody, & Reunification

An increasing number of Unaccompanied Alien Children ("UACs") are risking the dangerous journey from Central America to the United States. This panel will describe who these children are, where they are coming from, and why they are making the arduous journey to the United States. The panel will analyze how the arrival of these UACs impacts the United States and its legal system. The panel will then describe a typical UAC's journey and the legal hurdles they face upon arrival, the role of the Office of Refugee Resettlement, and reunification issues prior to and upon commencement of immigration proceedings. This session was moderated by Assistant Program Director Caitlin Brazil and presented by Supervisory Attorney Laurie Caralone and Deputy Director Bobbie Gregg.

8/11/2015

2015 EOIR Legal Training Program - Life, Death, & Fear of Gangs: Overview of Gang Based Asylum Claims

Gang violence is a widespread and increasing menace in several countries. Many individuals in these countries have family and friends who have been threatened or killed by gangs, or have themselves been the victims of gang violence and/or threats. Fearing for their lives, such individuals often apply for asylum and related forms of relief to avoid removal. This training will provide an overview of the federal courts of appeals' treatment of asylum, withholding of removal, and Convention Against Torture claims based on fear of gangs. The session will explore issues relating to gang recruitment, the refusal to join a gang, former and current gang membership, victims and witnesses of gang crimes, and gang tattoos. The presentation will also examine key distinctions in case law among the circuits. The session was moderated by Immigration Judge Elizabeth Kessler and presented by Director David McConnell and Federal Court Remand Coordinator/Attorney Advisor Kathleen Pepper.

8/11/2015

2015 EOIR Legal Training Program - Strategies to Address Problematic Counsel: Practitioner Discipline Law & Procedure

This session will provide important information for immigration adjudicators on discipline law and procedure. It will discuss potential solutions under the law for handling problematic immigration practitioners who appear before the United States Immigration Courts. The session will include a detailed discussion of pertinent case law, regulations, and rules of professional conduct. This session was moderated by Disciplinary Counsel Jennifer Barnes and presented by Immigration Judge Michael Baird and Assistant Bar Counsel Catherine Kello.

8/11/2015

2015 EOIR Legal Training Program - Waivers of Inadmissibility & the INA

This training will provide attorneys and adjudicators with important information regarding waivers of inadmissibility under the Immigration and Nationality Act. Attendees will examine recent developments regarding the availability of such waivers under sections 212(c), (i) and (1b), and 237(a)(1)(H) of the Act. They will also learn to identify the legal issues typically associated with these waivers as well as relevant discretionary factors. This session was moderated by Acting Team Leader David Saadat and presented by Immigration Judge Joven Lyons and Board Member John Guendebberger.

8/11/2015

2015 EOIR Legal Training Program - Advanced Legal Research: Westlaw Next

In this session, attendees will learn how to perform advanced electronic legal research using WestlawNext, Westlaw's new research platform. Specifically, attendees will learn how to utilize key legal research tools in WestlawNext for finding and analyzing immigration case law, administrative decisions, statutory and regulatory materials, and secondary sources. Attendees will also learn how to research case histories and citations, the history of statutes and regulations, and other important immigration specific research functions. This session was moderated by *Senior Legal Advisor Amanda Adams* and presented by *Westlaw Representative Candace Harris*.

8/11/2015

2015 EOIR Legal Training Program - The Other Reviewers: DHS Adjudicators

The Department of Homeland Security (DHS) will discuss applications for a variety of immigration benefits, including family-based and employment-based visas, asylum, and credible fear determinations. During this session, a panel of DHS Citizenship and Immigration Services representatives from the Asylum Division, Service Center Operations, Office of Chief Counsel, and Administrative Appeals Office will discuss the commonalities and differences between Executive Order for Immigration Review and DHS adjudications. The panel will address jurisdictional and procedural issues, as well as the applicable legal standards DHS uses in adjudicating immigration benefits and how the DHS applies Board of Immigration Appeals precedent decisions. This session was moderated by *Acting Chief Charles "Rocky" Winkler* and presented by *Special Assistant to the Associate Director Sophie Cox*, *Division Chief of the Citizenship and Nationality Security Coordination Division Evan Franke*, and *Asylum Officer in the Operations Branch Kimberly Skard*.

8/11/2015

2015 EOIR Legal Training Program - Special Immigrant Juvenile (SIJ) Petitions & Immigration Court Proceedings

This session will discuss the Special Immigrant Juveniles (SIJ) program—which is a program designed to help certain foreign children in the United States who have been abused, neglected, or abandoned. The training will cover issues related to SIJ status eligibility and benefits. The session will also examine how the SIJ program relates to Immigration Court proceedings, including removal proceedings. The session will include a discussion of recent legal developments in these areas. This session was moderated by *Counsel Rena Cutlip-Mason* and presented by *Director Jennifer Bensman*, *Associate Counsel Jessica Owens*, *Managing Attorney Christine Poarch*, and the *Honorable Thomas Sotelo*.

8/11/2015

2015 EOIR Legal Training Program - The Fear Factor: Credible & Reasonable Fear Determinations

The session will explore the conduct of "credible fear" and "reasonable fear" proceedings. The session will discuss the statutes and regulations governing credible/reasonable fear proceedings, including a discussion of the difference in treatment of stayaways, aliens subject to expedited removal under section 235(b)(1) of the Act, aliens subject to reinstatement of prior orders of removal, regulatory timeframes for conducting credible/reasonable fear review, creation of the record in credible/reasonable fear proceedings, introduction of oral and written statements and other evidence, and legal standards for determining whether an alien has a credible/reasonable fear of persecution. The session will further discuss the impact of the Department of Homeland Security's "Lafferty Memo," on credible/reasonable fear determinations. This session was moderated by *Attorney Advisor Brendan Cullane* and presented by *Immigration Judge Irene Feldman*, *Immigration Judge Glenn McPhaul*, *Chief Counsel Scott Rosen*, and *Senior Litigation Counsel Derek Julius*.

8/11/2015

2015 EOIR Legal Training Program - Analyzing Evidence: Authentication of Documents, Assessing Evidentiary Weight, & Other Issues

This session will examine several issues related to evidence and removal proceedings. The first half of the training will discuss the authentication of documents in Immigration Court and an adjudicator's ability to take administrative notice of certain facts. The second half of the session will review the process of assigning weight to different pieces of evidence in removal proceedings. The training will survey recent case law on these evidentiary issues. This session was moderated by *Federal Court Remand Coordinator/Attorney Advisor Kathleen Pepper* and presented by *Judicial Law Clerk Adam Fleming* and *Hillary Scholten*.

8/11/2015

2015 EOIR Legal Training Program - Tying the Knot Post-Windsor: Immigration Issues for Same-Sex Couples

In *United States v. Windsor*, the United States Supreme Court found the Defense of Marriage Act to be unconstitutional. This session will discuss the impact and application of *Windsor* in the immigration context, focusing on issues relating to: adoptions, spousal visa petitions, spousal abuse, and domestic violence. The session will also discuss relevant Board of Immigration Appeals and federal court cases, as well as country-specific issues. This session was moderated by *Assistant Chief Immigration Judge Robert Weisel* and presented by *Judicial Education Director and Professor Todd Brower*, *Lieutenant Don Mueller*, and *Immigration Judge Virginia Perez-Guzman*.

8/11/2015

2015 EOIR Legal Training Program - Human Trafficking, Domestic Violence, & Crime Victims: Protections & Confidentiality

This session will explore federal legislation relating to victims of human trafficking and crime. The session will discuss the indicia of human trafficking and the legal requirement to report suspected trafficking. It will also explore the potential forms of relief and protection available to human trafficking and crime victims. The session will include a detailed discussion of the legal requirements for T & U visas, which are available to human trafficking and crime victims. This session will also discuss the confidentiality requirements associated with this particular form of relief. This session was moderated by *Director of Anti-Trafficking Initiative Lori Cohen* and *Associate Counsel Jessica Owens*.

8/11/2015

2015 EOIR Legal Training Program - What Constitutes an Admission for Immigration Purposes?

This session will discuss developments in the continuing struggle to define the terms "admission" and "admitted" throughout the Immigration and Nationality Act. The panel will consider recent decisions from the Supreme Court and the Board of Immigration Appeals, which discuss when the definition of "admission" or "admitted" under section 101(a)(13)(A) of the Immigration and Nationality Act is applicable and when it is not. By the completion of this training, attendees should understand the legal issues that arise in determining whether an alien has been "admitted," and, based on this determination, decide whether such an admission subjects an alien to certain grounds of removability or renders that alien ineligible for relief from removal. This session was moderated by *Attorney Advisor Julia Smith-Aman* and presented by *Immigration Judge Tammy Fiting* and *Judicial Law Clerk Joseph Hessel*.

8/11/2015

2015 EOIR Legal Training Program - Advanced Cancellation of Removal Issues

This session will provide an advanced examination of the eligibility criteria for cancellation of removal under the Immigration and Nationality Act for permanent residents and non-permanent residents. The session will focus on complex issues relating to: duration of lawful permanent residence; continuous residence after admission; continuous physical presence; disqualifying criminal offenses; exceptional and extremely unusual hardship; and discretion. The session will also discuss the special provision for cancellation of removal under section 240A of the Act, as well as recent decisions of the Board of Immigration Appeals and federal courts impacting the adjudication of cancellation of removal applications. This session was moderated by *Temporary Board Member Joan Geller* and presented by *Senior Legal Advisor Molly Kendall* and *Immigration Judge Frank Travieso*.

8/11/2015	2015 EOIR Legal Training Program - Complex Issues in Adjustment of Status	This session will discuss the eligibility criteria for adjustment of status under section 245 of the Immigration and Nationality Act. The session will explore complex issues relating to: inspection, admission, and parole; immigrant visa eligibility; admissibility; and immigrant visa availability. The session will also explore the special adjustment of status provisions under section 245 of the Act, as well as recent decisions of the Board of Immigration Appeals and federal courts impacting the adjudication of applications for adjustment of status. This session was moderated by Board Member Anne Greer and presented by Immigration Judge David Neumeister and Immigration Judge Maureen O'Sullivan.
8/11/2015	2015 EOIR Legal Training Program - Advanced Asylum & Protection Topics	This session will examine advanced legal issues regarding eligibility for asylum in the United States. The session will discuss the various bars to asylum based on criminal convictions. Additionally, the training will address issues regarding whether a government is unable or unwilling to protect its citizens or certain persons or groups persecuting others. This portion of the training will include a discussion of burdens of proof and evidentiary issues. This session was moderated by Judicial Law Clerk Joseph Hassell and presented by Board Member Michael Creppy and Immigration Judge Steven Morley.
8/11/2015	2015 EOIR Legal Training Program - Child Development & Eliciting Accurate Information from Child Witnesses	This session will explore the impact of child development in immigration proceedings. It will discuss age specific capabilities of children. It will further discuss the realistic expectations of a child's ability to meet the demands of immigration court proceedings. The session will also cover the differences in testimony between child and adult witnesses and identify special techniques for questioning children in the courtroom, such as the "scaffolding technique." Participants will develop best practices for eliciting information from and questioning children and learn to implement techniques to minimize the impact of suggestibility on information provided by children in immigration court proceedings. This session was moderated by Assistant Chief Immigration Judge Jack Weil and presented by Professor of Clinical Psychiatry, Director of Medical Student Education, and Georgetown University Department of Psychiatry Co-Chair Avram Mack.
8/11/2015	2015 EOIR Legal Training Program - Children's Issues: Relief & Repatriation	This session will identify legal relief and protections available to children in immigration proceedings, including asylum, special immigrant juvenile status, T visas, U visas, and other humanitarian relief. The panel will examine special issues involving the burden of establishing eligibility for relief in juvenile cases. Additionally, this panel will discuss how to ensure safe repatriation of juveniles unable to avail themselves of immigration relief. This session was moderated by KIND President Wendy Young and presented by Professor, Co-Founder of Immigration Law Clinic David Thomson, Immigration Judge Frank Travieso, and KIND Director of Regional Policy and Initiatives Lisa Frydman.
8/11/2015	2015 EOIR Legal Training Program - All in the Family: Advanced Visa Petition Topics	This session will discuss various issues that arise in the adjudication of appeals in visa petition proceedings. The session will explore issues relating to family-based visa petitions, including: marriage fraud, bona fides of a marriage; burden of proof; evidentiary issues, including the availability of documents establishing a familial relationship; spousal petitions involving same sex couples; Hague Convention adoptions versus non-Hague Convention adoptions; the Child Status Protection Act; and the Adam Walsh Act. This session was moderated by Board Member Ana Mann and presented by Attorney Advisor Elise Manuel, and Attorney Palma Yanni.
8/11/2015	2015 EOIR Legal Training Program - Coming to a Court Near You? Expanding Bond Jurisdiction	The United States Court of Appeals for the Ninth Circuit has held that certain aliens subject to "mandatory" prolonged detention are entitled to bond hearings, even after a final administrative order of removal is entered. This panel will discuss the impact of <i>Rodriguez v. Robbins</i> , <i>Casas-Castrillon v. DHS</i> , and <i>Franco-Gonzales v. Holder</i> on custody and bond hearings in the immigration courts, including the procedural requirements and burden of proof applicable to such hearings. The panel will also discuss recent decisions outside of the Ninth Circuit on the issue of prolonged detention. Beyond the issue of prolonged detention, the panel will explore other federal court decisions relating to certain substantive and procedural aspects of immigration court bond hearings, in addition to issues related to the scope of "mandatory" immigration detention. This session was moderated by Assistant Chief Immigration Judge Rico Bartolomei and presented by Board Member Garry Malphrus, Associate General Counsel Daniel Cirichini, and Acting Team Leader Megan Foote Mosky.
8/10/2015	2015 EOIR Legal Training Program - International Religious Freedom Act: Current Issues & Topics	This session will examine the International Religious Freedom Act, as well as recent developments in religious-based persecution claims. The session will discuss countries in which claims of religious persecution often arise, as well as legal issues relevant to the adjudication of religious-based applications for asylum and other forms of protection under the Immigration and Nationality Act. This session was moderated by Acting Team Leader David Saadat and presented by Deputy Director for Policy and Research Elizabeth Cassidy, Senior Policy Analyst Tiffany Lynch, and Policy Analyst Tina Muford.
8/10/2015	2015 EOIR Legal Training Program - Terrorism-Related Inadmissibility Grounds (TRIG) & Exemptions	This session will explore federal legislation relating to victims of human trafficking, domestic violence, and crime. The session will discuss the indicia of human trafficking and the legal requirement in immigration cases to report suspected trafficking. It will also explore the potential forms of relief and protection available to human trafficking and crime victims. The session will include a detailed discussion of the legal requirements for T & U visas, which are available to human trafficking and crime victims, relief under the Violence Against Women Act, and other protections. This session will also discuss the confidentiality requirements associated with these cases. This session was moderated by Temporary Board Member Hope Holona and presented by Associate Counsel Dana Perry-Eby, Chief Counsel Scott Rosen, and USCIS TRIG Working Group Deputy Chair, USCIS Representative to TRIG sub-IPC Claudia Schwartz.
8/10/2015	2015 EOIR Legal Training Program - Symposium: Legalization of Marijuana & Immigration Law	Twenty-three states and the District of Columbia allow marijuana use for medicinal purposes. In 2012, Colorado and Washington became the first states to legalize the sale and possession of marijuana for recreational use since 1937. Since then, Alaska, Oregon and the District of Columbia have followed suit. This training will address what effect marijuana legalization has on the immigration consequences of a conviction for an offense related to a controlled substance. The presentation will also discuss how marijuana offenses affect an alien's good moral character under the Immigration and Nationality Act, as well as how marijuana legalization should factor into discretionary determinations under the Act. This session was moderated by Assistant Chief Immigration Judge John Davis and presented by Immigration Judge Tammy Fiting, Immigration Judge Theresa Scala, and Immigration Judge Eileen Trujillo.

8/10/2015	2015 EOIR Legal Training Program - On the Ground Perspective: Gangs, Cartels & Immigration Law The Department of Homeland Security (DHS) adjudicates applications for a variety of immigration benefits, including family-based and employment-based visas, asylum, and credible/fearful claims. During this session, a panel of U.S. Citizenship & Immigration Services representatives from the Asylum Division, Service Center Operations, Office of Chief Counsel, and Administrative Appeals Office will discuss the commonalities and differences between Executive Order for Immigration Review and DHS adjudications. The panel will address jurisdictional and procedural issues, as well as the applicable legal standards DHS uses in adjudicating immigration benefits and how the DHS applies Board of Immigration Appeals precedent decisions. This session was moderated by Assistant Chief Immigration Judge Douglas Farnth and presented by President, DOJ Consultants and Senior Fellow Douglas Farnth, and Supervisory Special Agent Alex Ghiz.
8/10/2015	2015 EOIR Legal Training Program - Emerging Issues in the Categorical Approach: Disability & Probability This session will discuss emerging issues related to the categorical approach. The session will examine decisions from the Board of Immigration Appeals as well as the relevant circuit courts of appeal considered in the wake of <i>Matter of Hernandez-Lopez</i> , <i>Matter of Hernandez-Lopez</i> , <i>Matter of Hernandez-Lopez</i> , and <i>Matter of Hernandez-Lopez</i> . The session will also consider questions arising from the Supreme Court's decision in <i>Hernandez-Lopez v. United States</i> for the immigration context. The session will focus on the various interpretations of credibility developing across the country. This session was moderated by Attorney Advisor John Cressett and presented by Board Member Roger Pauley, Senior Litigation Counsel Jennifer Keeney, and Director David McConnell.
8/10/2015	2015 EOIR Legal Training Program - Developments in Particular Social Group Claims This training will provide a summary of the Board of Immigration Appeals' precedent decisions in <i>Matter of M.F.V.G.</i> and <i>Matter of J.R.G.R.</i> , which clarify "social distinction" and "particularity" in particular social group asylum and withholding of removal cases. The training will also provide an update on case law issued in the wake of these two decisions. Attendees will learn to apply the standards set forth in the precedents to ascertain whether a particular social group is cognizable and learn to determine whether an alien has established the requisite nexus between the alleged harm and the claimed particular social group. This session was moderated by Acting General Counsel Charles Adkins-Blanch and presented by Senior Litigation Counsel Susan Green, Board Member Anne Greer, and Board Member Gary Maljrus.
8/10/2015	2015 EOIR Legal Training Program - Weighting Evidence: Credibility & Corroboration This session will discuss the issues of credibility and corroboration within the context of claims for asylum, withholding of removal, and other forms of relief in removal proceedings before Immigration Judges and the Board of Immigration Appeals. The presenters will discuss issues relating to burden of proof, criteria for assessing credibility, requirements that may be imposed for the production of corroborative evidence, and the requirement that a protected ground be "one central reason" for the alleged persecution in asylum cases. The presentation will highlight recent decisions by the Board of Immigration Appeals and the United States courts of appeals on the issues of credibility and corroboration. This session was moderated by Acting Chief Immigration Judge Stephen Griswold and presented by Immigration Judge Aviva Pochter, and Immigration Judge Denise Noonan Slavin.
8/10/2015	2015 EOIR Legal Training Program - Navigating the Fault Lines: Circuit Splits in Immigration Law This session will discuss the United States Circuit Courts of Appeals' diverging interpretations of the country's immigration and naturalization laws. The presentation will focus on major circuit splits impacting arguments before the immigration courts and the Board of Immigration Appeals. The presentation will include summaries and comparisons of relevant circuit court decisions. This session was moderated by Board Member Linda Wendland and presented by Senior Legal Advisor Ellen Liebowitz.
6/25/2015	The Office of the Chief Administrative Hearing Officer (OCAHO): Jurisdiction and Adjudications This presentation will discuss the function of the Office of the Chief Administrative Hearing Officer (OCAHO), one of the three adjudicatory bodies within the Executive Office for Immigration Review (EOIR). The presentation will provide an overview of OCAHO's history and areas of jurisdiction, and will cover the procedures for conducting OCAHO hearings and some of the core legal issues that arise in the adjudication of OCAHO cases. The presentation will also address review and appeal of OCAHO decisions, as well as the ways in which OCAHO interacts with the other EOIR adjudicatory components, new OCAHO legal and procedural initiatives, and how OCAHO relates to, and differs from, other federal agencies that deal with similar employment-related immigration issues. This session was presented by Chief Administrative Hearing Officer Robin Stutman, Administrative Law Judge Stacy Padback, Attorney Advisor Lisa Sandoval, and Counsel to the Chief Administrative Hearing Officer Elizabeth Vayo.
5/21/2015	The Triple "A"s of Evidence: Administrative Notice, Authentication of Documents, and Assessing the Weight of Evidence This presentation will address evidentiary issues involving administrative notice, authentication of documents, and assessing the weight given to evidence. The weight given to evidence portion of the presentation will also include evidence regarding changed country conditions involving asylum claims based upon changed personal circumstances. Federal court case law will be examined to identify commonalities and differences in the analysis of these issues which commonly arise when adjudicating immigration cases. This session was moderated by Federal Court Remand Coordinator/Attorney Advisor Kathleen Pepper, Judicial Law Clerk Adam Fleming, and Judicial Law Clerk Hillary Scholten.
3/23/2015	Statelessness: The International Legal Framework and Implications under U.S. Law This presentation will address the international legal framework related to statelessness and how the issues present under U.S. immigration law. The presentation will include an overview of international treaties related to statelessness, UNHCR's mandate related to statelessness and procedural and interpretive guidance on statelessness status determinations, and other States' practice related to statelessness status determinations. The presentation will then discuss common manifestations of statelessness in the U.S. context and the implications of statelessness under U.S. immigration law and policy, including a brief survey of case law developments. This session was moderated by Vice Chairman Charles Adkins-Blanch and presented by Assistant Protection Officer Lindsay Jenkins.
2/11/2015	Corruption & Whistleblowing This presentation will address asylum and withholding of removal claims where the noncitizen asserts that he will face persecution because of corruption or because he has acted as a whistleblower. The presentation will include a discussion of how such claims may be characterized in terms of a particular social group or political opinion. The presentation will then address special considerations in the nexus analysis, and will conclude with a discussion of how to analyze government action, including how to handle claims involving rogue officials. This session was moderated by Federal Court Remand Coordinator/Attorney Advisor Kathleen Pepper and presented by Judicial Law Clerk Aimee Mayer-Salinas.

1/22/2015

Handling Competence Issues in the Immigration Courts & Implementation of the Court's Order in *Franco-Gonzalez v. Holder*

This session will address the legal standard for determining competence in immigration court proceedings. It will explore the burdens of proof that apply in assessing competence. It will also explore the process and various stages of an immigration judge's competency determination, including the referral of the respondent for a forensic competence evaluation. Important information will be provided for immigration adjudicators on the legal implications of the ruling in the *Franco-Gonzalez v. Holder* case out of the Central District of California. The session will explore provisions of that ruling that will be adopted on a nationwide basis as part of the Executive Office for Immigration Review's nationwide policy to provide enhanced procedural protections to detained, unrepresented respondents with mental disorders. The session will cover safeguards that may be imposed once a respondent is deemed incompetent including, but not limited to, provision of a Qualified Representative. This session was presented by Assistant Chief Immigration Judge Jack Weil, Senior Counsel for Immigration Review, Associate General Counsel Bruce Burge, and Contract Legal Analyst Gregory Pleasants.

10/8/2014

Professionalism Training for Immigration Adjudicators

This training session will explore professional training issues relevant to adjudication. The panel about responsibility includes the training of new immigration adjudicators. It will explore common professional responsibility issues arising from participation in social media and social networking. The session will include a discussion of the relevant model rules of communications, duties owed to the client, and maintaining state bar licensure. The session will also discuss professional responsibility issues arising from participation in social media and social networking. The session will include a discussion of the relevant model rules of professional conduct. The government ethics portion of the training will explore the Standards of Ethical Conduct for Employees of the Executive Branch and the Supplemental Standards of Ethical Conduct for Employees of the Department of Justice, as set forth in Table 5 of the Code of Federal Regulations. The session will cover such issues as restrictions on the receipt of gifts, misuse of official title and position, membership in professional organizations, and restrictions on outside employment and other activities. The session will utilize both hypothetical and real life examples to demonstrate the application of the Standards of Conduct. The Social Harassment/Equal Employment Opportunity/No Fear Act portion of the training will address the prohibitions against sexual harassment in the workplace, the law and professional obligations relating to Equal Employment Opportunity, and rights and protections under the No Fear Act. The session will cover recent case law and statutory developments in these areas. This session was presented by Acting Deputy Director Matthew Ferguson, Attorney Advisor Justin Lennett, Associate General Counsel Brigitte Frantz, and Supervisory Attorney Carolyn Vines Sapla.

9/18/2014

Gang-Based Asylum Claims: An Overview of Circuit Court Case Law & Government "Unable or Unwilling" Issues

This training will provide an overview of federal circuit court case law on issues involving gang-based asylum claims involving political opinion, religion, and particular social group. It will also focus on various issues relevant to gang-based asylum claims, such as forced recruitment, gang membership, witnessing or testifying about gang crime, and gang tattoos, as well as the interrelationship between these issues when conducting analysis. In addition, the training will address issues regarding whether a government is unable or unwilling to protect its citizens or control persons or groups persecuting others. This portion of the training will include a discussion of burdens of proof and evidentiary issues. This session was presented by Temporary Board Member Sharon Hoffman, Federal Court Remand Coordinator/Attorney Advisor S. Kathleen Pepper, and Judicial Law Clerk Joseph Hassell.

8/12/2014

Implicit Bias in Appellate Review: Detecting & Avoiding Bias

This session will provide immigration adjudicators at the appellate level with an understanding of the importance of the rules against bias in administrative proceedings, as well as the sources of prohibitions against bias in immigration proceedings. The session will provide immigration appeals adjudicators with an understanding of the impact of bias on the parties to proceedings, and the legal system as a whole. Attendees will learn to recognize subtle personal biases and cultural biases that may affect their decision-making and run afoul of bias rules and prohibitions. The session will help attendees recognize such biases by identifying and discussing various types of implicit bias. Attendees will learn to respond to implicit biases by employing techniques to minimize the impact and perception of bias in immigration proceedings at the appellate level. The session will additionally provide techniques that can be employed to foster public understanding and the public's sense of access to the courts. This session was presented by Adjunct Professor, Communication Consultant Kelly Tait and Assistant Chief Immigration Judge Jack Weil.

5/22/2014

The Immigration Consequences of Criminal Convictions - The Impact of the Supreme Court's Decisions in *Moncrieffe* and *Descamps*

This training will discuss recent developments in assessing whether a criminal conviction meets the federal definition of a "generic" crime, thus carrying with it certain immigration consequences relative to inadmissibility, removability, and eligibility for relief from removal. In particular, this training will discuss how the United States Supreme Court's recent decisions in *Moncrieffe v. Holder*, 133 S. Ct. 1678 (2013), and *Descamps v. United States*, 133 S. Ct. 2276 (2013), impact the so-called "categorical" and "modified categorical" approaches. In addition, the training will address recent trends in federal court cases in light of these decisions. This session was presented by Board Member Roger Paulley, Attorney Advisor John Crossett, Judicial Law Clerk Joseph Hassell, and Judicial Law Clerk Joshua Lunsford.

3/20/2014

Adjudicating Citizenship Claims

This training will provide an overview of the issues surrounding derivative U.S. citizenship that may arise in immigration proceedings. The training will explain the difference between citizenship at birth when a child is born abroad and when a child born abroad acquires U.S. citizenship automatically through a parent or parents at a later time. There will be discussion of the applicable burdens of proof, as well as discussion of the specific statutory standards that apply for both types of claims. The Child Citizenship Act of 2000 will be examined, and its impact on the applicable legal standard. In addition, the training will explore circuit court decisions and Board precedent addressing the various issues that must be resolved in adjudicating citizenship claims. This session was presented by Temporary Board Member Elise Manuel and Attorney Advisor Danielle Franco.

2/19/2014

Developments in Particular Social Group Case Law

This training will discuss recent precedent decisions from the Board of Immigration Appeals regarding "social visibility" and "particularity" in particular social group based asylum claims. It will also focus on federal court precedent analyzing prior Board precedent decisions relating to "social visibility" and "particularity." In addition, the training will address recent trends in federal court cases regarding particular social group claims as well as post-REAL ID Act corroborating evidence. This session was presented by Vice-Chairman Charles Atkins-Blanch, Board Member Garry Naiphros, and Federal Court Remand Coordinator/Attorney Advisor Kathleen Pepper.

12/12/2013

Emerging Issues in Asylum Law: The Development of Nexus Analysis

This training will provide an overview of the concept of nexus in asylum and withholding of removal cases. It will also discuss published decisions from the Board of Immigration Appeals and the federal circuit courts addressing the issue of nexus. The training will focus on particular concepts such as "at least one central reason" and discuss standards of review in the context of nexus issues. This session was presented by Board Member Linda Wendland and Team Leader Andrea Cail.

9/19/2013

Constitutional Challenges in Immigration Proceedings

This training will provide an introduction to constitutionally-based challenges to evidence offered in removal proceedings, and to the institution of those proceedings. In this context, the Fourth and Fifth Amendments to the U.S. Constitution, and their application to an individual proceeding, will be discussed, including essential Supreme Court cases addressing these types of claims. The training will discuss the procedures established for raising these claims, as set forth in published decisions from the Board of Immigration Appeals and will explore the federal circuit courts addressing these concepts. The training will address similar claims raised by aliens that agents of the Department of Homeland Security violated the agency's own regulations in arresting the alien or in gathering evidence of removability. Finally, the training will describe cases involving an alien's invocation of the Fifth Amendment's right against self incrimination, as it applies to immigration proceedings. *This session was presented by Board Member Gary Malpas, Attorney Advisor Ann Dose and Attorney Advisor Kathleen Reilly.*

8/28/2013 [Reviewing Immigration Judges' Decisions on Motions: Issues and Pitfalls](#)

This training will address current issues and common pitfalls in reviewing motions decided by Immigration Judges both during the course of proceedings and after the entry of a removal order. Topics covered will include: the applicable standards for Board review over questions of law, fact, and discretion in Immigration Judges' decisions on motions; review of decisions on motions on matters of law and discretion; review of decisions on motions on matters of fact and discretion; review of decisions on motions on matters of mixed law and fact; and review of decisions on motions on matters of mixed law and fact. The training will also discuss current developments and challenging issues related to review of decisions on motions seeking rescission of alien status orders, as well as other emerging issues and trends in motions filed in immigration courts. *This session was presented by Temporary Board Member Sharon Hoffman, Immigration Judge Elizabeth Kessler, Attorney Advisor Dale Rider, and Attorney Advisor Christine Michaels.*

7/17/2013 [The Impact of Criminal Convictions on Cancellation of Removal Eligibility](#)

This program will provide attorneys with an overview of the impact a criminal conviction may have on an alien's eligibility for either cancellation of removal under sections 240A(a), 240A(b)(1), and 240A(b)(2) of the Immigration and Nationality Act or "special relief" or "cancellation of removal" pursuant to 8 C.F.R. § 1240.66. The training will discuss published decisions from the Board of Immigration Appeals and the federal circuit courts addressing the issues that can arise when an alien has been convicted of a crime, including the applicable burden of proof, the stop-time rule, good moral character, and discretion. It will also touch on unresolved issues surrounding these types of cases. *This session was presented by Board Member Anne Greer, Team Leader Julia Ego, and Attorney Advisor Jennifer Mariella.*

7/17/2013 [LexisNexis CourtLink](#)

This training will provide an overview on how to access LexisNexis CourtLink and provide basic tips such as finding judgments for review based on the alien number, alien's name, or docket number. *This session was presented by Federal Court Research Coordinator/Attorney Advisor Kathleen Pepper.*

6/26/2013 [Circuit Court Survey: Fact Finding and the Board of Immigration Appeals' Clearly Erroneous Standard of Review](#)

This training will discuss the Board's clearly erroneous standard of review for factual findings made by an Immigration Judge. It will focus on federal court decisions which find that the Board must review predictive findings of fact by an Immigration Judge for clear error when reviewing asylum, withholding, and Convention Against Torture claims. It will further discuss other circuit cases where the court found the Board did not properly apply the clearly erroneous standard of review, and suggest proper language to be used when challenging factual findings by an Immigration Judge. *This session was presented by Temporary Board Member Ellen Liebowitz and Attorney Advisor Robert Gundlach.*

5/15/2013 [Special Topics in Immigration Law: Federal Court Trends & Updates - 2013](#)

This session will update immigration adjudicators and attorneys on major federal case law developments in the field of immigration and nationality law over the last year. The session will examine areas in which the federal courts have expressed agreement and disagreement with the factual findings and conclusions of law rendered by the immigration courts and the Board of Immigration Appeals. *This session was presented by OFI Director David McConnell and Board Member Linda Wendland.*

5/15/2013 [Special Topics in Asylum Law: Sexual Orientation Based Asylum Claims](#)

This presentation will address asylum, withholding of removal, and protection under the Convention Against Torture claims involving sexual orientation. It will explore various topics related to whether an alien presenting such a claim may have established past persecution or a well founded fear of persecution, including: credibility; understanding when an alien's personal circumstances, such as age or change in personal situation, affects the alien's claim; whether the government is unable or unwilling to control the persecutors; and whether there is a pattern or practice of persecution. The presentation will also focus on "particular social group," as a protected ground of asylum and withholding. A discussion of relevant case law will highlight the distinctions made by federal courts when reviewing Board of Immigration Appeals decisions involving sexual orientation claims. *This session was moderated by Vice-Chairman Charles Thomas Blum and presented by Federal Court Research Coordinator/Attorney Advisor Kathleen Pepper.*

4/18/2013 [Hague Convention on Intercountry Adoption](#)

This training will provide an overview of the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption, which became effective for the United States on April 1, 2008, and how the treaty is applied in immigration proceedings. It will describe adoption requirements under the existing legal framework, discuss who the Convention signatory countries are, and explain the requirements United States citizens have to establish in order to confer immigration benefits to an adopted child as that term is described in section 101(b)(1)(G) of the Immigration and Nationality Act. *This session was moderated by Board Member Ana Mann and presented by Adoption Officer Sarah Shaffer, Associate Counsel Jessica Owens, Adjudications Officer Carrie Rankin, Team Leader Andrea Cali and Attorney Advisor Christine Puffer.*

3/20/2013 [Exploring the Terrorism-Related Inadmissibility Grounds \(TRIG\) under the INA](#)

This training will explore the scope and implications of the "terrorism-related inadmissibility grounds" (TRIG) and associated provisions under section 212(a)(3)(E) of the Immigration and Nationality Act (INA). It will discuss the types of activities and associations that give rise to TRIG under INA § 212(a)(3)(B)(vi), the definition of "terrorist activity," and what it means to "engage in terrorist activity." It will also explore types of "terrorist organizations" under INA § 212(a)(3)(B)(vi), as well as TRIG exceptions and exemptions. The training will include a participatory learning activity designed to reinforce training participants' understanding of TRIG. *This session was moderated by Chairman David Neal and presented by Chief, Training and Quality Branch, Asylum Division, DHS/USCIS Charles "Rocky" Minick.*

2/21/2013 [Understanding and Applying the Violence Against Women Act](#)

This training will cover the special provisions for calculation of removal and self-petitioning adjustment of status created by the Violence against Women Act (VAWA). It will discuss the history and foundations of VAWA, jurisdiction over VAWA claims, and the rules and procedures governing the filing and processing of VAWA claims. The training will additionally discuss special adjudication challenges in VAWA cases. This discussion will include background on the nature of domestic violence, as well as tools for assessing whether conduct constitutes battery or extreme cruelty for VAWA purposes. Finally, the training will provide an overview of the special provisions that apply to VAWA motions. This session was presented by Temporary Board Member Teresa Donovan, Attorney Advisor Jean Keller, Adjunct Professor and Director Leslye Ordoff, and Adjudications Officer L'Antoinella Spiller-Reddick.

12/13/2012 Emerging Criminal Issues in Immigration Law

This training will provide an overview of emerging criminal issues in immigration law. In particular, the training will focus on applying the realistic probability standard set forth in *Gonzales v. Doan*, 549 U.S. 183 (2007); the evidence which circuits courts and the federal courts have held may or may not be considered in analyzing the immigration consequences of criminal convictions under the modified categorical approach set forth in *Taylor v. United States*, 495 U.S. 575 (1990) and *Shepard v. United States*, 544 U.S. 13 (2005); and the petition for application of *Johnson v. Holder*, 129 S. Ct. 2294 (2009), to other evidence which may be considered outside of the categorical and modified categorical approaches. Additionally, there will be a discussion of recent circuit court and Board decisions. Released after May 24, 2012, which concern criminal issues in immigration law. This session was moderated by Attorney Advisor John Crossell and presented by Board Member Garry Mahoney, Board Member Roger Paulley, and Attorney Advisor Matthew Pizzo.

11/17/2012 Emerging Issues in Asylum Law: Religious and Economic Persecution Claims

The program will focus on two potential aspects of an asylum claim. It will address claims for asylum in which an alien asserts that actual or prospective economic harm constitutes persecution, and it will address claims for asylum on account of religion. The program will briefly discuss the place of these issues within the overall context of an application for asylum. It will briefly address the evolution of the term "persecution," with a focus on economic harm, and approaches to economic claims prior to the Board's precedent decision on this issue. The program will discuss the Board's decision in *Matter of T-Z*, 24 I&M Dec. 162 (BIA 2007), and the circuit courts' treatment of claims involving economic harm since *Matter of T-Z*. It will provide adjudicators with an overview of the legal framework for analyzing claims for asylum on account of religion, as well as recent legal developments relevant to these claims. Finally, the program will suggest approaches to evaluating the testimony and evidence typically presented in such cases and summarize current conditions relating to religious persecution in several notable countries. This session was moderated by Board Member Hugh Mullane and presented by Attorney Advisor Denise Brown, Attorney Advisor Amanda Dutra, and Attorney Advisor David Saadat.

10/18/2012 Rulemaking & Immigration: The Regulatory Process and More

This program will provide information on the federal regulatory process and the legal requirements of notice and comment rulemaking. This program will further provide information regarding regulatory developments impacting the Executive Office for Immigration Review. This session was moderated by Vice Chairman Charles Adkins-Blanch and presented by Chief Regulatory Counsel Liane Jarvis.

9/12/2012 Particular Social Groups: A Defining Challenge

This program will provide attorneys with information regarding the approaches taken by the Board and the federal courts when analyzing particular social group claims made by applicants for asylum under section 208 of the Immigration and Nationality Act or withholding of removal under section 241(b)(3) of the Immigration and Nationality Act. Attorneys will also receive information regarding the practical considerations for drafting Board decisions involving particular social group claims. The training will touch on unresolved issues surrounding these claims. This session was moderated by Board Member Linda Wendland and presented by Temporary Team Leader Julia Ego, Attorney Advisor Susan Berry, and Attorney Advisor Jeffrey Phillips.

8/16/2012 Legislative History: From Statutory Process to Research and Application

Legislative History: From Statutory Process to Research and Application will provide attorneys with an understanding of legislative process, how to conduct legislative history research, and how to use legislative history in their decisions. The session will cover the publication of federal laws and congressional documents, including bills and resolutions, committee reports and hearings, floor debates, and other publications that comprise the recorded legislative history of statutes. Sources of compiled legislative histories, as well as techniques for compiling legislative histories, will also be covered. The session will provide practical instruction on how to access specific legislative history resources. It will also cover some of the many uses for legislative history and will provide examples of legislative history used in published decisions, including published decisions from the Board of Immigration Appeals. This session was presented by Senior Legal Information Analyst Luis Acosta, EOIR Librarian Karen Drummond, and Senior Legal Advisor Jeffrey Chase.

7/19/2012 Vartelas v. Holder - Admission of Lawful Permanent Residents Who Make Brief, Casual, and Innocent Departures

This session will discuss the U.S. Supreme Court's recent decision in *Vartelas v. Holder*, ___ U.S. ___, 132 S.Ct. 1479 (2012). In *Vartelas*, the Court held that section 101(a)(13) of the Immigration & Nationality Act, as amended by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), could not be applied retroactively to a lawful permanent resident who: 1) prior to the enactment of IIRIRA, committed a criminal offense listed in section 712(e) of the Act; 2) subsequently traveled abroad; and 3) upon return to the United States, was deemed to be seeking admission and placed in removal proceedings as a result of his or her criminal offense. The Court held that such a lawful permanent resident alien could not be considered as seeking admission if his or her departure from the United States was "brief, casual, and innocent." In so holding, the Court rejected the so-called "fleeting doctrine" which was first enunciated by the Court in *Rosenberg v. Fleuti*, 374 U.S. 449 (1963). In addition to discussing the Court's holding in *Vartelas*, this session will provide a brief overview of the history of the *Fleuti* doctrine. It will further examine the three components of the *Fleuti* doctrine - brief, casual, and innocent - based on relevant Board of Immigration Appeals and federal court precedent. Finally, the session will provide tips on recognizing when the application of the *Fleuti* doctrine is warranted in a given case, as well as tips for applying the *Fleuti* doctrine. This session was moderated by Board member Anne Greer and presented by Federal Court Remand Coordinator/Attorney Advisor Kathleen Pepper.

7/19/2012 Interpreting the Term "Admission" Under the Immigration & Nationality Act

This training will provide an overview of the concept of "admission" in the Immigration & Nationality Act. It will discuss published Board of Immigration Appeals and federal circuit court decisions on this issue. In doing so, the training will address the terms "admission" and "admitted" as they appear in various grounds of removability and relief provisions in the Act, including whether and when an adjustment of status constitutes an "admission" or renders an alien "admitted" to the United States. This session was moderated by Board Member Patricia Cole and presented by Attorney Advisor Julia Smith-Aman and Attorney Advisor Adrienne Weaver.

6/13/2012 Special Topics in Asylum Law: Firm Resettlement & Internal Relocation

This training will provide an overview of the concepts of "firm resettlement" and "internal relocation" and the legal framework establishing these concepts. It will discuss published decisions from the Board of Immigration Appeals and the federal circuit courts addressing these important asylum law concepts. It will further discuss burden of proof issues that arise in firm resettlement and internal relocation cases. Finally, the training will touch on unresolved legal issues surrounding the concepts of firm resettlement and internal relocation. This session was presented by Temporary Board Member Ellen Liebowitz and Attorney Advisor Greta Hendricks.

Immigration Law: Federal Court Trends & Updates - 2012

5/24/2012

This session will update immigration judges on major federal case law developments in the field of immigration and nationality law. The session will examine areas in which the federal courts have expressed agreement and disagreement with the factual findings and conclusions of the immigration judges. It will also discuss federal court trends in the adjudication of immigration appeals. This session will be presented by Director David McConnell and Board Member John Guendelsberger.

The Law of Discretion in Immigration Cases

4/25/2012

This program will provide attorneys with an overview of the law governing the discretionary relief available to immigrants. The program will focus on the Immigration and Nationality Act, Executive Order, and Federal Court decisions. The program will also discuss the practical application of the discretionary analysis. This session was moderated by Board Member Michael Coppel and presented by Attorney Advisor Andrew Belourney and Attorney Advisor Catherine Kraft.

3/15/2012

Personal Circumstances & Asylum Eligibility: When does an alien's changed personal circumstances constitute a new claim for asylum?

An alien's personal circumstances may change after a decision has been rendered by an Immigration Judge or the Board in the alien's case. This presentation will explore when such changed personal circumstances constitute a new claim for asylum warranting a new hearing before an Immigration Judge. The focus will be on asylum claims based upon changed personal circumstances involving religious and political persecution, the Chinese Democracy Party, and the birth of United States citizen children and a country's population control laws. Although other changed personal circumstances will also be addressed, a discussion of relevant case law will highlight the distinctions made by federal courts when reviewing Board decisions involving changed personal circumstances and asylum eligibility claims. This session was moderated by Temporary Board Member Sharon Hoffman and presented by Federal Court Remand Coordinator/Attorney Advisor Kathleen Pepper.

2/29/2012

Drafting Administrative Appellate Decisions: From Record Review & Thesis to Outline & Draft Decision

The training will be an advanced legal writing session, with a focus on the effective preparation and drafting of appellate administrative decisions. It will outline similarities and distinctions between appellate judicial and administrative decisions, with particular attention being paid to how judicial and agency decisions approach issues such as standard of review and applicability of precedent. The speakers will stress the importance of effective review and identification of the administrative trial court decision, evidence admitted at the trial court level, pleadings filed by the parties, and other record documents. The training will provide guidance on developing, testing, and verifying a legal thesis; emphasize the importance of developing effective legal research practices; and stress the significance of preparing a thesis-driven outline prior to beginning the legal drafting process. The training will discuss principles of composition for appellate decisions, with a focus on drafting clear, concise and persuasive decisions and avoiding drafting pitfalls. The speakers will provide advice on how to convey efficiently the results being reached in the appellate decisions, as well as the factual and legal grounds for the decisions. Finally, the training will discuss best practices for revising the order and developing an effective proofreading practice. This session was presented by Board Member Charles Adkins-Blanch, Board Member Edward Grant, and Board Member Anne Greer.

11/17/2011

Choice of Law in Agency Decisions and Venue for Petitions for Review in the U.S. Circuit Courts

This program will provide attorneys with information and guidance regarding EOIR's choice of circuit court law in cases conducted via video conferencing across circuit lines. This will include a discussion of the various binding and persuasive sources of law and practice involved in making this determination. The program will also address the willingness of the circuit courts to transfer venue over an immigration case to a sister circuit. This session was presented by Board Member Charles Adkins-Blanch, Team Leader Jeffrey Pease, and Attorney Advisor Daniel Swinick.

11/9/2011

Other Emerging Issues in Asylum Claims

This program will provide attorneys with information regarding recent developments in the area of asylum law, including defining and identifying a "pattern or practice of persecution," and examining the "disfavored group" analysis. In addition, recent developments in the law concerning whether a government is "unwilling or unable" to protect asylum applicants will be discussed. Government consent or acquiescence to torture will be discussed in determining whether aliens are entitled to protection under the Convention Against Torture. This session was presented by Board Member Linda Wendland and Attorney Advisor Andrea Calk.

10/20/2011

Approaching Criminal Cases with Convictions: Applying the Categorical Approach and Deciphering the Record of Conviction

This training will address the application of the categorical and modified categorical approaches in assessing criminal convictions in the context of immigration appeals. The training will discuss the historical background of the categorical approach, the meaning of divisibility, and burden of proof. It will highlight differences in the interpretation and application of the categorical approach by the federal courts of appeals. The training will further provide information and guidance on examining the record of conviction and deciphering conviction records. It will also discuss research strategies and tips on approaching criminal issues in immigration cases. Finally, it will address other drafting and legal considerations in the adjudication of immigration cases presenting criminal issues. This session was presented by Board Member John Guendelsberger, Board Member Anne Greer, Board Member Hugh Mullane, Board Member Roger Pauler, Attorney Advisor John Crossett, and Attorney Advisor Joan Geller.

10/12/2011

LPR Cancellation of Removal Overview

The purpose of this training is to provide a framework for analyzing appeals involving relief pursuant to section 240A(a) of the Act, commonly referred to as "LPR cancellation." The statutory elements, discretionary factors, and specific concerns raised by Board and circuit court precedents will be examined. In addition, the training will pose hypothetical situations to illustrate sections that arise in the LPR cancellation context. This session was presented by Attorney Advisor Gabriel Gonzalez.

9/27/2011

Beyond Briones & Lemus: Updates on Adjudicating Cases Involving Unlawful Presence & Related Waivers

This training will provide an overview of the unlawful presence bars outlined in the Immigration and Nationality Act at section 212(a)(9)(B) and (C) and will discuss precedent decisions from the Board of Immigration Appeals and the United States Courts of Appeals interpreting the interplay between the unlawful presence bars and adjustment of status under section 245(i) of the Act and examine the waivers relevant to the unlawful presence provisions. This presentation was presented by Attorney Advisor Sheila Helf and Attorney Advisor Margaret McGregor.

Professional responsibility. This program discussed best practices and recent cases in the professional responsibility arena, including Supreme Court cases, and a recent Vermont Supreme Court case dealing with the issue of attorney ethics and accounting records. The ABA Model Rules of Professional Conduct are being considered for adoption in a number of jurisdictions. In that regard, attention of the day is placed on the ABA Model Rules of Professional Conduct in a variety of jurisdictions, including issues involving agents' responsibility to the ABA Model Rules of Professional Conduct in a variety of contexts, covering such topics as: (1) the duty of confidentiality, and discussing professional responsibility issues with supervisors. This session was presented by **Team Leader Keith Campbell, Assistant United States Attorney Dawn Etcheberger, Director Jerr Dunston, Attorney Advisor Vanessa Schlueter, and Legal Advisor Matthew Ferguson.**

The program will provide adjudicators with a background in country conditions information and sources relating to the implementation of China's birth planning policies. It will also provide historical background on China's birth planning policies and comparison of the implementation of these policies at different times, in different parts of China, and with respect to diverse populations. The program will additionally provide an overview of the legal framework for adjudicating Chinese coercive population control cases, as well as recent developments in such cases. The program will further discuss the evaluation of testimony and evidence presented in such cases in light of recent legal developments and current country conditions. This session was presented by Asia Researcher William Körner, Attorney Advisor Christine Puffer, and Attorney Advisor David Saadat.

In assessing the present state of our asylum laws, it is useful to look back at the road that led us here. This program will discuss developments in U.S. asylum law from its nonexistent state in the lead up to World War II, and tracing its development through the Cold War, the 1967 Protocol, the 1980 Refugee Act, the asylum reforms of the mid-1990s, and the REAL ID Act of 2005. The materials will emphasize how asylum policy has been shaped by the tension between public compassion and fear; foreign policy and economic concerns; and international treaty obligations and U.S. specific regional preferences. *This session was presented by Attorney Advisor Jeffrey Chase.*

This program will provide attorneys with information regarding the mechanics of reaching the “other serious harm” analysis under the federal regulations at 8 C.F.R. § 1208.13(b)(1)(ii)(B) for asylum applicants who have demonstrated past persecution. This will include a review of the history of the concept of “other serious harm” in U.S. case law and regulations and an overview of “Humanitarian Asylum” concepts in international and comparative law. The program will also review the most recent case law from federal courts interpreting the possible circumstances under which “other serious harm” is likely to arise. This session was presented by Board Member *Charles-Blanch* and presented by Attorney Advisor *Jeffrey Chase*.

This training will provide an overview of the International Religious Freedom Act ("IRFA") as it relates to the Department of State and the Department's activities in the furtherance of IRFA. The presentation will survey the current state of religious freedom in various nations and regions as reflected in the Annual Report on International Religious Freedom, released in November 2010 and the forthcoming six-month report. The presentation will also describe trends and likely future developments, and will consider the potential impact of these trends on migration. *This session was presented by Foreign Service Officer Landon Taylor.*

This training will provide a general review of 8 C.F.R. 1003.1(d)(3) (setting out the Board's scope of review), including relevant Board and circuit court decisions. It will also discuss specific examples from proposed Board orders addressing the scope of review, focusing on: misleading language and suggesting alternative phraseology. The training will include a Question and Answer session which includes three Board Members. This session was presented by Temporary Board Member Ellen Liebowitz.

This program will provide attorneys with a comprehensive overview of EOTJ's Fraud and Abuse Prevention Program, including its history, regulatory mandate, goals, authority, cascaded trends, and successful case resolutions. It will familiarize attorneys with the types of fraud complaints and inquiries for litigation assistance received by the program and how each is handled; with the Federal and state statistics, both criminal and civil, utilized to combat immigration fraud; and, with current Department of Justice and Department of Homeland Security, anti-fraud initiatives, including initiatives to reduce refugio fraud and the unauthorized practice of law. It also will provide participants with helpful tips for spotting and reporting fraud within EOTJ proceedings. This session was presented by Counsel Kathy John.

This training will provide Board Members and attorneys with an understanding of the various jurisdictional issues involved in cases before the Board of Immigration Appeals. The presentation will include a review of the applicable regulations and case law and addresses Immigration Judge jurisdiction, Board jurisdiction, jurisdiction by certification, identifying "overlapping" jurisdictional issues between Immigration Judges and the Board; scope of remand issues under *Matter of Patel*, 600 (BIA, 1978); and Board jurisdiction following remand orders from the federal courts. This session was presented by Federal Court Remand Coordinator/Attorney Advisor Kathleen Pepper.

This training focuses on issues involving the imminent removal and/or departure of an alien from the United States. The training will explain the processes and procedures involved in seeking and obtaining an emergency stay, as well as what an attorney should do if a stay has been granted. Next, using an outline of the applicable regulations and case law in this evolving area of the law, the presentation will examine the effect of an alien's departure on the Board's jurisdiction over appeals, as well as motions. The training will conclude with a PowerPoint presentation that describes various factual scenarios where aliens have departed and then ask the participants to ascertain whether the departure bar applies. This session was presented by *Attorney Advisor Christine Michaels and Stay Coordinator Homa Madani*.

Visa Petition Training

[illegible]